

Remarks

Applicants respectfully request reconsideration of the above-identified application in view of the foregoing amendments and following remarks.

Claims 20 and 21 are objected to for including informalities. These claims are amended in light of the remarks in the Office Action. The amendments in these claims are for clarification purposes only and not intended to limit the scope of these claims in any way. Applicant respectfully submits that the amended claims comply with the requirements set forth under 35 USC § 112 and requests that the objection be withdrawn.

Claims 27 and 28 are amended and Claims 29-38 are added to avoid multiple dependent claims. The newly added claims are supported by the application as originally filed, and do not introduce new matter.

Claims 1-38 are pending.

Claim Rejection – 35 USC § 102

On pages 2 through 9 of the Office Action, the Examiner rejects Claims 1-18, 27 and 28 under 35 U.S.C. §102 as being anticipated by Kelly et al, U.S. Patent Publication No. 2005/0015186 (“Kelly”). Reconsideration is respectfully requested in light of the remarks below.

Applicant’s invention is generally directed to estimating a distance a vehicle will be driven during a designated period of time.

With respect to independent Claims 1, 27 and 28, Kelly does not teach or suggest the recitation of “verifying that data representing historical mileage information for a vehicle is accurate.” In fact, Kelly teaches away from this recitation by stating that vehicle information regarding recent and last known mileage or service history are not necessary and estimates can be used, rather than accurate mileage information. The vehicle information (see Fig. 3, 4, 5 and 6) used in Kelly is “... the most recent known mileage of the vehicle (if available), service

history (if any), ...” Page 2, Para. 21. Further, Kelly teaches, “At step 401 the system retrieves information from the database on the vehicle's mileage. This information includes the last known mileage of the vehicle (if available)” Page 3, Para. 29. Thus, there is nothing to teach, suggest or describe “verifying that data representing historical mileage information for a vehicle is accurate.”

Regarding Claims 15, 29 and 30, Kelly also does not teach or suggest “mathematically determining a usage forecast for a vehicle during a time period designated by a user of the computer.” Instead, Kelly discusses determining whether vehicle information is within a service window timeline, not a time period designated by a user. See, e.g., Para. 13 (“[A] service reminder is generated by estimating a vehicles mileage and determining whether the estimated mileage falls within a relevant service window, and sending the service reminder if the mileage falls within the relevant service window.”) There is nothing to teach, suggest or describe the claimed subject matter of Claim 15, 29 and 30.

Regarding Claims 17, 31 and 32, Kelly does not teach nor suggest the recitation of “determining a forecast of mileage a vehicle will be driven during a selected time period, using regression analysis and data representing historical mileage information.” While Kelly does disclose using mileage estimates in Para. 13, there is no description or suggestion of the use of regression analysis to determining a forecast of mileage a vehicle will be driven during a selected time period. There is nothing to teach, suggest or describe the claimed subject matter of Claims 17, 31 and 32.

With respect to Claims 18, 33 and 34, Kelly also does not teach or suggest “assessing a probable error associated with the mileage forecast.” Instead, Kelly states that “The system compares the vehicle information to the service bulletin reminders to check if there is a matching service reminder for that vehicle and where the vehicles current mileage estimate is within the service window for the service bulletin reminder.” Page 3, Para. 24. No probable error is assessed. Thus, Claims 18, 33 and 34 are not taught or suggested by Kelly.

For the foregoing reasons, Applicant's invention is patentable over the references of record and the rejection under 35 U.S.C. §102 is therefore respectfully requested to be withdrawn.

Claim Rejection – 35 USC § 103

Claims 19-26, 27 and 28 are rejected under 35 U.S.C. §103 as being unpatentable over Kelly in view of Lockwood et al., U.S. Patent No. 6,694,234 ("Lockwood"). Reconsideration is respectfully requested in light of the remarks below.

Regarding Claims 19, 35 and 36, neither Kelly nor Lockwood, even in combination, teach or suggest "determining a rental price for the vehicle using the mileage estimate." The Office Action appears to admit that Kelly does not show this limitation and points to Column 7, lines 37-50 of Lockwood which states:

"the monitoring of distress events. . . may be used to generate pricing over the course of the rental term. . . One of the factors in pricing such rentals is the depreciation in value of the vehicle based upon usage. The distress events, or lack thereof, as monitored by the present invention may be utilized to generate surcharges or credits based upon actual use of the vehicle to more accurately price the rental. Such distress events may include, without limitation, speeding, excessive mileage traveled. . . The calculated surcharges or credits may be applied either as the rental fees accrue on a per day, per week or per month basis or in one lump credit or surcharge at the end of the rental period." Lockwood, Col. 7, lines 36-53.

Therefore, Lockwood simply modifies a rental fee based on a credit or surcharge if a distress event occurred. Not only is Lockwood predicated on a past event rather than an estimate of a distance a vehicle *will be* driven, as claimed, it also does not determine a rental price, rather a modification of it. Thus, the Kelly and Lockwood references, individually or collectively, do not teach or describe the claimed subject matter of Claims 19, 35 and 36.

Regarding Claims 22, 37 and 38, neither Kelly nor Lockwood, even in combination, teach or suggest "determining an invoice price using the mileage estimate." The Office Action admits that Kelly does not show this limitation and points to Column 7, lines 37-50 of Lockwood – reproduced above. However, a review of this section reveals that "invoice price" is not

referenced, as Lockwood focuses on rental fee modifications, not invoice price. Thus, the Kelly and Lockwood references, individually or collectively, do not teach or describe the claimed subject matter of claims 22, 37 and 38.

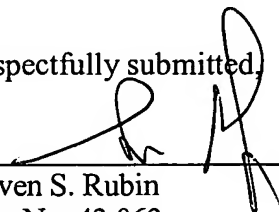
For the foregoing reasons, Applicant's invention is patentable over the references of record and the rejection under 35 U.S.C. §103 is therefore respectfully requested to be withdrawn.

Dependent claims 2-14, 16, 20-21 and 23-26 include the above referenced limitations of independent claims 1, 15, 17, 18, 19, 22 and 22, respectively, and include additional recitations which, when combined with independent claims 1, 15, 17, 18, 19 and 22 are also neither disclosed nor suggested in the art of record.

Applicant submits that Claims 1 - 38 clearly distinguish over the prior art of record and are in condition for allowance. The Examiner is invited to telephone the undersigned to discuss any still outstanding matters with respect to the present application.

Respectfully submitted,

Dated: November 21, 2005

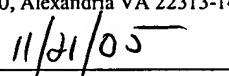


Steven S. Rubin
Reg. No. 43,063
BROWN RAYSMAN MILLSTEIN FELDER
& STEINER LLP
900 Third Avenue
New York, New York 10022
(212) 895-2000

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Annette Mejia



Date